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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,487	03/31/2004	Niniane Wang	24207-10104	7774

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EXAMINER

LEWIS, ALICIA M

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,487

Applicant(s)

WANG ET AL.

Examiner

Alicia M. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1,8-10 and 19-35 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 11-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.


SAM RIMELL
PRIMARY EXAMINER

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on October 20, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19-35 are not limited to tangible embodiments. In view of applicant's disclosure, specification pages 4-5, paragraph 13, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., floppy disk, DVD, CD-ROM) and intangible embodiments (e.g. transmission devices). Furthermore, the specification states that the computer-readable media are not limited to any of the listed media. As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8, 10, 19, 22, 23, 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Katariya et al. (US Patent Application Publication 2003/0079185 A1) ('Katariya').

With respect to claims 1 and 19, Katariya teaches:

identifying a plurality of candidate summaries related to textual information based at least in part on a document (paragraph 11 lines 1-4);

determining first and second attribute values based at least in part on the candidate summaries (paragraph 11 lines 4-6, 18-19); and

determining an optimal candidate summary based at least in part on the first and second attribute values (paragraph 11 lines 7-12).

With respect to claims 8 and 25 Katariya teaches wherein the first and second attribute values comprise a number of words (paragraph 11 lines 18-19).

With respect to claims 10 and 27, Katariya teaches wherein the first and second attribute values comprise a string length (paragraph 11 lines 18-19).

With respect to claim 22, Katariya teaches wherein the size of the document comprises a number of words (paragraph 11) disposed in the document.

Katariya teaches that each sentence in the document is considered in generating the summary, and furthermore, that the length of a sentence may be measured by the number of words. Therefore, the size of the document may comprise a number of words.

With respect to claim 23, Katariya teaches wherein the size of the document comprises a number of character strings disposed in the document (paragraph 11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katariya et al. (US Patent Application Publication 2003/0079185 A1) ('Katariya') in view of Kaplan (US Patent Application Publication 2002/0095427 A1).

With respect to claims 9 and 26, Katariya teaches claims 1 and 19.

Katariya does not teach wherein the first and second attribute values comprise a pixel size.

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Kaplan teaches a system, method and apparatus for the wireless monitoring and management of computer systems (see abstract), in which he teaches wherein the first and second attribute values comprise a pixel size (paragraph 53).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Katariya by the teaching of Kaplan because wherein the first and second attribute values comprise a pixel size would enable automatic text wrapping techniques to be used in displaying data, making it more visually understandable (Kaplan, paragraphs 52 and 53).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katariya et al. (US Patent Application Publication 2003/0079185 A1) ('Katariya') in view of Hu et al. (US Patent Application Publication 2004/0225667 A1) ('Hu').

With respect to claim 21, Katariya teaches claim 19.

Katariya does not teach further comprising instructions, that, when executed, cause an application to tokenize the document.

Hu teaches an apparatus for and method of summarizing text (see abstract), in which he teaches further comprising instructions, that, when executed, cause an application to tokenize the document (paragraph 91).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Katariya by the teaching of Hu because further comprising instructions, that, when executed, cause an application to tokenize

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the document would enable production of summaries that accurately reflect the content of document data so that a user can get an idea of the content of the document data without having to read the document data in its entirety and enable a user to easily and quickly determine the relative importance in document data of different topics in that document data (Hu, paragraphs 2 and 33).

Allowable Subject Matter

8. Claims 2-7 and 11-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 20, 24 and 28-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
10. Claim 18 is allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis
October 24, 2006


SAM RIMELL
PRIMARY EXAMINER